MULTIMEDIA UNIVERSITY

STUDENT ID NO

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# MULTIMEDIA UNIVERSITY

# FINAL EXAMINATION

**TRIMESTER 3, 2018/2019**

## PIL0014 – INTRODUCTION TO LAW

(Foundation of Management)

31 May 2019
9.00 a.m. – 11.00 a.m.
(2 hours)

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**INSTRUCTIONS TO STUDENT:**

1. This Question paper consists of six (6) pages with 32 questions only.

2. Answer **ALL** questions in Sections A, B and C. The distribution of marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

## SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. Whenever a court decides, it must give the legal reasoning which is known as obiter dictum.

2. The Yang Di-Pertuan Agong is Head of Islam in his home state and in Malacca, Penang, Sabah, Sarawak and the Federal Territories of Kuala Lumpur, Labuan and Putrajaya and also the Supreme Commander of the Armed Forces.

3. Steven refuses to pay his debt of RM3,500 to Justin. Subsequently, Steven instructs his lawyer to file a legal action in the Small Claim Court against Justin.

4. Sections 3 and 5 of the Civil Law Act 1956 (Revised 1972) provides the conditions for the application of English common law, commercial law and equity in Malaysia.

5. Juarez lost his claim against Jake in Sessions Court, Kota Bahru. Dissatisfied with the decision by the Sessions Court judge, Juarez through his lawyers filed an appeal at the Court of Appeal.

6. Article 3 of the Federal Constitution declares that Malaysia is an Islamic state.

7. No appeal on the assessment of the Income Tax can be filed after 30 days of the notice of assessment to the Special Commissioners of Income Tax.

8. Article 90 of the Federal Constitution refers to special provisions relating to customary land in Negeri Sembilan and Malacca, and Malay holdings in Terengganu.

9. Action before the Consumer Claims Tribunal can be initiated by both consumer and supplier.

10. The Federal Court is the only court that can decide on issues relating to the Federal Constitution.

11. If a court has the power to review and/or overturn the decisions of another court, it has appellant jurisdiction.

12. A cleaner has a duty to put up a "Wet Floor" sign after mopping. If he or she fails to put up the sign and someone falls and injures themselves, a case can be filed under the law of contract.

13. A tax payer must still pay his/her tax liabilities even though he/she has filed an appeal to the Special Commissioner of Income Tax.

**Continued.....**

14. This Tribunal has no jurisdiction to hear claims regarding abandoned projects. The Tribunal only hears cases where buyers have been given vacant possession of their property. This tribunal is known as Consumer Claims Tribunal.

15. The Conference of Rulers or "Majlis Raja- Raja" appoints two judges of five judges in the Special Court if the Yang Di Pertuan Agong or any ruler is to be tried under Article 182 of the Federal Constitution.

## SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. When a Bill passes through the Dewan Rakyat, it will need to pass through several stages. Which one of the following options states the stages in the correct order?
    A. First Reading, Second Reading, Committee Stage, Third Reading.
    B. First Reading, Second Reading, Third Reading, Committee Stage.
    C. First Reading, Committee Stage, Second Reading, Third Reading.
    D. Committee Stage, First Reading, Second Reading, Third Reading

17. Subsidiary legislation can be enacted by persons or bodies to whom the power is delegated. Name the persons/bodies.
    (i) Yang Di Pertuan Agong
    (ii) Ministers
    (iii) Local Government Authorities
    (iv) Parliament

    A. (i) and (ii)
    B. (i) and (iv)
    C. (i), (ii) and (iii)
    D. (i), (ii) and (iv)

18. Timothy and Joseline are divorced couple and they are trying to get the custody of their son, Adam. Which court should they file their legal suit and under which law?
    A. Federal Court, Property Law.
    B. Federal Court, Family Law
    C. High Court, Property Law
    D. High Court, Family Law

19. The supremacy of the Federal Constitution of Malaysia is affirmed in _____.
    A. Article 8(1) of Federal Constitution
    B. Article 10 of Federal Constitution
    C. Article 4(1) of Federal Constitution
    D. Article 6 of Federal Constitution

**Continued.....**

20. Ilham hires a plumber to repair a broken toilet. The repair works are faulty and causes flooding and major damages to Ilham's house. Who must prove the negligence in this case and what is the burden of proof?
    A. Prosecution, beyond reasonable doubt
    B. Prosecution, on a balance of probability
    C. Ilham, on a balance of probability
    D. The plumber, on a balance of probability

21. Which of the following statements is **TRUE** about Adat Temenggung?
    A. It is still being practiced in Terengganu and Kelantan.
    B. It contains provisions related to maritime laws.
    C. It holds the same rules on distribution of inheritance as in the Quran.
    D. The female heirs inherit equally their mother's property.

22. Selena made her payments of RM12,000 for a maid in November 2018 to a maid agency, with the promise that she would have a maid by January 2019. However, the maid ran away after 2 weeks. The maid agency refused to provide a replacement maid to Selena. Where should Selena file her claim against the maid agency?
    A. Small Claim Court
    B. Industrial Court
    C. Consumer Claim Tribunal
    D. High Court

23. The followings are true about the Federal Constitution of Malaysia **EXCEPT**:
    A. It gives power to make laws
    B. All laws passed must be consistent with the Constitution
    C. It is supreme law of the land
    D. It can be modified by the Prime Minister of Malaysia

24. Ryan arrives at Hotel California. At the lobby, he slips and falls as the floor was wet and slippery. There were no warning signs cautioning that the floor was wet. Ryan sustained injuries and he now wants to take a legal action against Hotel California. Under which law can he do so?
    A. Criminal Law
    A. Contract Law
    B. Tort Law
    C. Property Law

25. Law enacted by the Parliament can be classified under any of the following, **EXCEPT**:
    A. Principal Act
    B. Amendment Act
    C. Ordinance Act
    D. Revised Act

**Continued.....**

26. Which of the following are the objectives of 'separation of power' between different branches of government?
    (i) to avoid dictatorship
    (ii) to prevent concentration of power
    (iii) to lessen the burden of each branch of government
    (iv) to give opportunity to more people in governing the country

    A. (i) and (ii) only
    B. (ii) and (iii) only
    C. (i) and (iv) only
    D. (iii) and (iv) only

27. The decisions of the Court of Appeal bind the following courts **EXCEPT**:
    A. The Federal Court
    B. The Session Court
    C. The High Court
    D. The Magistrate Court

28. What is the meaning of Constitutional Monarchy?
    A. The ruler is the head of the Federation of Malaysia.
    B. It is a modernised version of the Malacca Sultanate.
    C. The ruler is above all including the Constitution.
    D. Power and the institution are based on the Constitution.

29. The purposes of the Malaysian Bar Council are the followings **EXCEPT**:
    A. To uphold the cause of justice without any personal interest.
    B. To ensure the safety of the Judge in any trial court.
    C. To provide of legal knowledge and trainings to members.
    D. To assist others with matters regarding the law.

30. There are several rules which are applied in the interpretation of statutes. One of the rules is that where a statute refers to a class of items followed by a general term, the general term is interpreted to refer to that class of items only. Which of the following rules of interpretation reflects this situation?
    A. The ejusdem generis rule
    B. The golden rule
    C. The mischief rule
    D. The literal rule

**Continued.....**

## SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. Malaysian judiciary refers to the Malaysian court system. Federal Court, the Court of Appeal and the High Court of Malaya and High Court of Borneo are the superior courts. Write a short description on the superior courts.

(20 marks)

32. Under the Federal Constitution of Malaysia, the Yang Di Pertuan Agong is the head of country and three (3) main authorities are Executive, Legislature and Judiciary. Explain the functions and roles of these three authorities in the context of Doctrine of Separation of Powers.

(20 marks)

**Total: 100 marks**

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